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~~COOK, MCFARRON & MANZO~~

3122369216 P.02/04



Attorney Docket No. TRAC-100FWC CON

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of

RHONDA TRACY

Serial No.: 09/107,643

Filed: June 30, 1998

**For: DISPOSABLE DIAPER WITH
PADDED WAISTBAND
AND PADDED LEGHOLES**

Art Unit: 3735

Examiner: Robert A. Clarke

Assistant Commissioner for Patents
Washington, D.C. 20231

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231, on January 29, 1999

Date January 29, 1999

January 28, 1999

DECLARATION OF RHONDA TRACY

Rhonda Tracy declares as follows:

1. I am the inventor and owner of the above-captioned patent application. I understand that the PTO Examiner has rejected my above-captioned application on the basis, in whole or in part, of Foreman U.S. Patent 4,816,025 filed on October 30, 1987 as a continuation of an application filed October 10, 1986.

2. I conceived my invention prior to October 10, 1986. As evidence thereof, I enclose herewith a copy of a disclosure document 166,418, which was dated and notarized on September 2, 1986. This document was filed with the PTO on March 13, 1987. I cannot explain why the filing date is months later than the execution date of the document because on information and belief, I personally mailed the disclosure document to the PTO before

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the end of October, 1986. I was extremely surprised when I received an acknowledgment from the PTO so many months later.

3. I created a model of my invention before my first meeting with my first patent counsel, Roger Van Epps, and I left my prototype with him at the first meeting.

4. On information and belief, the date when I first met with patent counsel (Mr. Van Epps) was October 3, 1986. I created my prototype prior to October 3, 1986.

5. As a first order of business, Mr. Van Epps performed a patentability search. This required several weeks.

6. After completing the patentability search, Mr. Van Epps, on information and belief, gave my prototype diaper to a patent draftsman to prepare patent drawings.

7. Mr. Van Epps then prepared a patent application for aspects of my invention and forwarded it to me for review and signature. I signed a declaration and power of attorney on March 2, 1987, as shown by the enclosed copy. The document bears an "attorney docket number" of "1196-1P86", which on information and belief, means that the attorney file was opened in 1986 as a patent file.

8. Mr. Van Epps submitted my patent application to the PTO where it received a serial number of 07/093,681 filed September 8, 1987.

9. On information and belief, the present application claims back to that 1987 application.

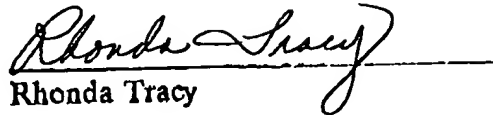
10. I acknowledge that willful false statements and the like are punishable by fine or imprisonment or both under Title 18 USC 1001 and may jeopardize the validity of the patent application or any patent issuing thereon. The statements in this declaration that are

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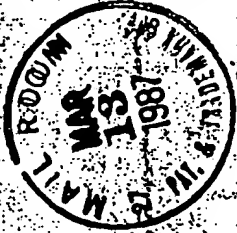
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made of my own knowledge are true and statements made herein on information and belief
are believed by me to be true.

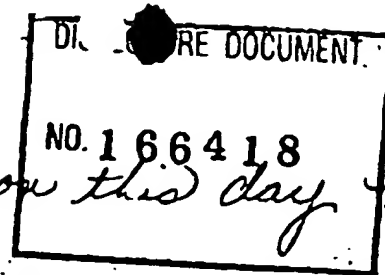

Rhonda Tracy

Dated: January 28, 1999

Enclosures: Disclosure Document
Power of Attorney dated 3-2-87

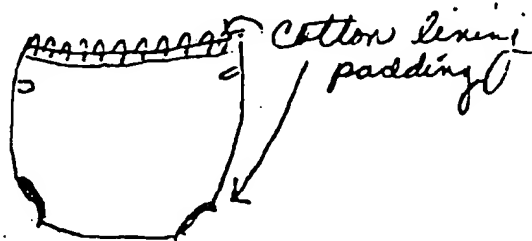


Handwritten:
Keweenaw
Peninsula
Due Page Bank
of Trust

MAR
13
1987

7/2/86

Scott A. (Tadducci) Tracy, on this day, has
come up with the idea on how to improve the
disposable diaper. This improvement involves putting
cotton around the wasteline and leg lines of the
diaper. Just a very fine, small layer of cotton
which would be very similar, but not exact, to that
of a gauze pad or inside of a gauze pad.



This lining is different by
the way it goes from inside
to out around the legs & waist.

This lining will prevent
scratches & abrasions often left
around the legs & wasteline on
babies, due to the hard, stiff
plastic of regular disposable
diapers.

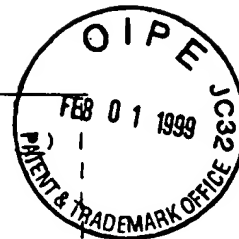
I'll call these "Comfies." This idea is mine &
mine alone, as witnessed on this 2nd day of September,
1986.

Khonda (Tadducci) Tracy, 233 Grandview, Glen Elder, MO 60137

subscribed to and sworn before me this 2 day of Sept,

1986. Vivian Tadducci
Witness

John S. Reynolds
Witness



CHECK APPROPRIATE BOX IF APPLICABLE: THIS APPLICATION IS A
☐ CONTINUATION-IN-PART (described in the attached specification on Page)
☐ CONTINUATION ☐ DIVISION

105 of my Prior U.S. Application.

Serial Number:

Filed:

I HEREBY APPOINT THE FOLLOWING AS MY ATTORNEY WITH FULL POWER OF SUBSTITUTION
 TO PROSECUTE THIS APPLICATION AND TRANSACT ALL BUSINESS IN THE PATENT OFFICE
 CONNECTED THEREWITH:

ROBERT F. VAN EPPS (24,959)

SEND CORRESPONDENCE TO:

ROBERT F. VAN EPPS
 Attorney at Law
 102 Haven Road, St. 1
 Elmhurst, Illinois 60126

Wherefore I petition that letters patent be granted to me for the invention or
 discovery described and claimed in the attached specification and claims, and
 hereby subscribe my name to said specification and claims and to the foregoing
 declaration, power of attorney, and this petition.

| | | | | |
|-----|--------------------------|--------------------------------------|--------------------------------------|--------------------------------|
| 201 | FULL NAME OF INVENTOR | LAST NAME TRACY | FIRST NAME RHONDA | MIDDLE NAME |
| | RESIDENCE | CITY Glen Ellyn | STATE OR FOREIGN COUNTRY Illinois | COUNTRY OF CITIZENSHIP U.S. |
| | POST OFFICE ADDRESS | POST OFFICE ADDRESS 233 Grandview | CITY Glen Ellyn | STATE OR COUNTRY Illinois |
| | | | ZIP CODE 60137 | |

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|-----|--------------------------|---------------------|--------------------------|------------------------|
| 202 | FULL NAME OF INVENTOR | LAST NAME | FIRST NAME | MIDDLE NAME |
| | RESIDENCE | CITY | STATE OR FOREIGN COUNTRY | COUNTRY OF CITIZENSHIP |
| | POST OFFICE ADDRESS | POST OFFICE ADDRESS | CITY | STATE OR COUNTRY |
| | | | ZIP CODE | |

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|-----|--------------------------|---------------------|--------------------------|------------------------|
| 203 | FULL NAME OF INVENTOR | LAST NAME | FIRST NAME | MIDDLE NAME |
| | RESIDENCE | CITY | STATE OR FOREIGN COUNTRY | COUNTRY OF CITIZENSHIP |
| | POST OFFICE ADDRESS | POST OFFICE ADDRESS | CITY | STATE OR COUNTRY |
| | | | ZIP CODE | |

I further declare that all statements made herein of my own knowledge are true
 and that all statements made on information and belief are believed to be true;
 and further that these statements were made with the knowledge that willful
 false statements and the like so made are punishable by fine or imprisonment, or
 both, under section 1001 of Title 18 of the United States Code, and that such
 willful false statements may jeopardize the validity of the application or any
 patent issuing thereon.

| | | |
|------------------------|------------------------|------------------------|
| SIGNATURE INVENTOR 201 | SIGNATURE INVENTOR 202 | SIGNATURE INVENTOR 203 |
| <i>Rhonda Tracy</i> | | |
| DATE 3/2/87 | DATE | DATE |